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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,597	04/20/2004	Marco Busse	019491-008010US	5526

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EXAMINER

LANEAU, RONALD

ART UNIT PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/828,597

Applicant(s)

BUSSE ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03202006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Serizawa et al (US 2002/0169013 A1)..

As per claim 1, Serizawa discloses a method of simulating game state changes responsive to an interrupt condition in a computer-implemented racing game, comprising: generating an interrupt condition during the racing game at a first game state, the first game state having a first set of statistics associated therewith; responsive to said interrupt condition, simulating events that occur after the first game state based on the first set of statistics so as to produce a second set of statistics associated with a second game state; and resuming the racing game in the second game state (all of the instant application where it is explained how players enter a game currently in progress (a first game state) with a first set of statistics (players), then after the game has reached a certain stage (interrupt condition) the game transitions to a second game state with a second set of statistics (players) (see page 4, [0057] – [0058])).

As per claim 2, Serizawa discloses a computer-generated condition is allowing the new players to enter the race. Additionally, a computer-generated condition could be a caution or a

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wreck as disclosed on page 3, paragraph 43 or an indication of a player to play the game by coin insertion (paragraph 132).

As per claims 3-5, Serizawa discloses a user-entered selection is a car selection responsive to a coin inserted computer generated command, which results in a cautionary event that results in a pit stop (see paragraphs 140 –145).

As per claims 6-9, Serizawa discloses a wherein the interrupt condition is a user generated interrupt; wherein the user generated interrupt includes a decision to terminate the race; wherein the second set of statistics includes statistics associated with an end of the game; resuming includes displaying final results associated with the second set of statistics (see page 10, [0168] - [0169]).

As per claim 10, Serizawa discloses a method wherein the first set of statistics includes, for each race participant, one or more of remaining fuel, tire wear, vehicle wear, and a relative order (see page 3, [0045]).

As per claims 11-12, Serizawa discloses a method wherein the first set of statistics includes driver attributes for each race participant; wherein the driver attributes includes at least one of aggressiveness, control and race history information (see pages 15-16, [0343]).

As per claims 13-15, Serizawa discloses a method wherein the game states of claim 1 have changed from the playing of a game and the first game state to the ending of the game as the second game state. In this case, the interrupt condition is the end of the game and the scores and information are posted as disclosed (see page 10, [0168] - [0182]).

As per claims 16-18, see paragraphs 140-146, and for the displaying of orders, lease (see paragraphs, 12, 49-52 and 111.

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As per claims 19-25, since the method for accomplishing the instant application has been disclosed the computer-readable medium including code for controlling a processor to perform the above functions disclosed.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rehkemper et al (US 6,461,238 B1) disclose a portable simulation game apparatus.
- Serafat (US 2006/0154710 A1) disclose a method and device for continuing an electronic multi-player game, in case of an absence of a player of said game.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Laneau

Ronald Laneau
Primary Examiner
Art Unit 3714

1/25/07

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